

VIRGINIA FAIR HOUSING BOARD

MINUTES OF MEETING

February 13, 2013

The Fair Housing Board Meeting was held at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia. The following Board members were present:

F. Thomas Eck, IV, Chair
Phyllis Randall, Vice-Chair
Francis Stevens
Thomas Gifford
Jim Ginnell
Andrew Reisinger
Bob Boynton
Rosemary Wilson
Matthew K. Kim

The following Board members were absent:

Jeffrey Adkins
David Rubinstein
Linda Broady-Myers

DPOR Staff present for all or part of the meeting included:

Gordon Dixon, Director
Christine Martine, Executive Director
Mark Courtney, Senior Director
Liz Hayes, Fair Housing Administrator
Deanda Shelton, Assistant Fair Housing Administrator
Emily Trent, Administrative Assistant
Angela Keefe-Thomas, Fair Housing Investigator
Matthew Benson, Fair Housing Investigator

Tom Payne, Assistant Attorney General with the Office of the Attorney General, was present.

Mr. Eck called the meeting to order at 10:00 A.M.

Call to Order

A motion was made by Mr. Boynton and seconded by Mr. Gifford to approve the Agenda. The motion passed unanimously. Members voting "Yes" were: Boynton, Eck,

Agenda

Gifford, Ginnell, Kim, Randall, Reisinger, Stevens and Wilson.

A motion was made by Mr. Gifford and seconded by Mr. Stevens to approve the December 12, 2012, Fair Housing Board Meeting minutes. The motion passed unanimously. Members voting "Yes" were: Boynton, Eck, Gifford, Ginnell, Kim, Randall, Reisinger, and Stevens. Wilson abstained from the vote.

Minutes

There was no public comment.

Public Comment

Liz Hayes updated the Board on the current investigative case load.

**Fair Housing
Administrator's Report**

In the matter of **FHB File Number 2012-03874, Hetti Cheagle v. Anna Fitzgerald, Cliffs Edge Lofts Manager LLC and Cliff Edge Lofts, LLC**, the matter was deferred to the next Board meeting for further investigation.

FHB File Number 2012-03874, Hetti Cheagle v. Anna Fitzgerald, Cliffs Edge Lofts Manager LLC and Cliff Edge Lofts, LLC

In the matter of **FHB File Number 2012-03857, Myashanniece Tabron v. Chippenham Place Associates, LP**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation and Supplemental Final Investigative Report. Myashanniece Tabron, complainant, and Grimes Creasy, attorney for the respondent, were present and addressed the Board. A motion was made by Mr. Gifford and seconded by Mr. Reisinger to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were: Boynton, Eck, Gifford, Ginnell, Kim, Randall, Reisinger, Stevens and Wilson.

FHB File Number 2012-03857, Myashanniece Tabron v. Chippenham Place Associates, LP

In the matter of **FHB File Number 2012-03547, Mary Linda Mann v. Laketree Associates, LC, t/a Laketree Manor Apartments**, the Board reviewed the record which consisted of the Final Investigative Report, Case Analysis and Recommendation, and Supplemental Final Investigative Report. Mary Linda Mann, complainant, was present and addressed the Board. A motion was made by Ms. Randall and seconded by Mr. Reisinger to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were:

FHB File Number 2012-03547, Mary Linda Mann v. Laketree Associates, LC, t/a Laketree Manor Apartments

Boynton, Eck, Gifford, Ginnell, Kim, Randall, Reisinger, Stevens and Wilson.

In the matter of **FHB File Number 2012-03761, Ethel Pierce v. Joyce Henderson and Henderson Associates**, the Board reviewed the record which consisted of the Final Investigative Report, Case Analysis and Recommendation and Supplemental Final Investigative Report. A motion was made by Mr. Reisinger and seconded by Mr. Ginnell to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were: Boynton, Eck, Gifford, Ginnell, Kim, Randall, Reisinger, Stevens and Wilson.

FHB File Number 2012-03761, Ethel Pierce v. Joyce Henderson and Henderson Associates

In the matter of **FHB File Number 2012-02868, Leah and John Beckett v. Randy Rockwitt and Kimberly Caswall**, the Board reviewed the record which consisted of the Final Investigative Report, Case Analysis and Recommendation, Supplemental Final Investigative Report and Official Consultation Memorandum from the Office of the Attorney General. A motion was made by Mr. Boynton and seconded by Mr. Gifford to find reasonable cause against the respondents by 1) refusing to negotiate for rental of the dwelling; 2) imposing discriminatory terms and conditions regarding rental of dwelling; and 3) making discriminatory statements based upon familial status. The motion passed unanimously. Members voting "Yes" were: Boynton, Eck, Gifford, Ginnell, Kim, Randall, Reisinger, Stevens and Wilson.

FHB File Number 2012-02868, Leah and John Beckett v. Randy Rockwitt and Kimberly Caswall

A motion was made by Mr. Ginnell and seconded by Mr. Reisinger to find no reasonable cause against respondent Caswall for making discriminatory statements based upon familial status. The motion passed unanimously. Members voting "Yes" were: Boynton, Eck, Gifford, Ginnell, Kim, Randall, Reisinger, Stevens and Wilson.

In the matter of **FHB File Number 2013-01092, Gertrude Davis and R. David Horslay v. Juanita Ann Carroll**, a motion was made by Mr. Gifford and seconded by Ms. Wilson to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were: Boynton, Eck, Gifford, Ginnell, Kim, Randall, Reisinger, Stevens and Wilson.

FHB File Number 2013-01092, Gertrude Davis and R. David Horslay v. Juanita Ann Carroll

Christine Martine updated the Board on regulatory review performed in accordance with the Governor's Regulation Review Initiative. A motion was made by Mr. Gifford and seconded by Ms. Randall that the Board will not file a NOIRA to begin the regulatory review process pursuant to the Governor's Regulation Review Initiative. The motion passed unanimously. Members voting "Yes" were: Boynton, Eck, Gifford, Ginnell, Kim, Randall, Reisinger, Stevens and Wilson.

Administrative Issues

At 10:35 A.M., Mr. Stevens offered a motion which was seconded by Mr. Boynton, that the Board meeting be recessed and that the Fair Housing Board immediately reconvene in closed meeting for the purpose of consultation with legal counsel pertaining to legal matters within the jurisdiction of the Board as permitted by §2.2-3711.A.7 of the *Code of Virginia*. The following non-members will be in attendance to reasonably aid the consideration of the topic: Tom Payne, Gordon Dixon, Nick Christner, Christine Martine and Liz Hayes.

Old Business

This motion is made with respect to the matter(s) identified as agenda item(s):

**-Old Business-File Number 2010-01881-Terra Bacon
v. Terrace Properties, LLC, Shanel Corporation and
Vince Ferranti**

At 11:05 A.M., a motion was made by Ms. Randall and seconded by Ms. Wilson that the Board reconvene in open session.

WHEREAS, the Fair Housing Board has convened a closed meeting on this date pursuant to an affirmative recorded vote in accordance with the provisions of the Virginia Freedom of Information Act; and

Certification

WHEREAS, §2.2-3712 of the *Code of Virginia* requires a certification by this Real Estate Board that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Fair Housing Board hereby certifies that, to the best of each member's knowledge, (i) only public business matters

lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Fair Housing Board.

VOTE: 9-0

AYES: Boynton, Eck, Gifford, Ginnell, Kim, Randall, Reisinger, Stevens and Wilson

NAYS: None.

ABSENT DURING THE VOTE: None

ABSENT DURING THE MEETING: Adkins, Broady-Myers, and Rubinstein.

A motion was made by Mr. Boynton and seconded by Mr. Stevens to defer issuing the charge in File Number 2010-01881-Terra Bacon v. Terrace Properties, LLC, Shanel Corporation and Vince Ferranti until administrative issues, as advised by Counsel, are completed. The motion passed unanimously. Members voting "Yes" were: Boynton, Eck, Gifford, Ginnell, Kim, Randall, Reisinger, Stevens and Wilson. **Old Business**

Tom Payne gave the Board a litigation update. No action was taken by the Board. **New Business**

The Board adjourned at 11:22 A.M.

F. Thomas Eck, IV, Chair

Gordon Dixon, Secretary